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Attorneys for Plaintiffs
 THE LARYNGEAL MASK COMPANY LTD.
 and LMA NORTH AMERICA, INC.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Plaintiffs,

v.

AMBU A/S, AMBU INC., AMBU LTD.,
 and AMBU SDN. BHD.,

Defendants.

AMBU, INC.,

Counterclaimant,

v.

THE LARYNGEAL MASK COMPANY
 LTD. and LMA NORTH AMERICA, INC.,

Counter-Defendant

Civil Action No. 07 CV 1988 DMS (NLS)

**DECLARATION OF FREDERICK
 BERRETTA IN SUPPORT OF
 PLAINTIFFS' MOTION TO DISQUALIFY
 FINNEGAN HENDERSON FARABOW
 GARRETT & DUNNER, LLP**

Date: January 11, 2008

Time: 1:30 pm

Courtroom 10, 2nd Floor

Hon. Judge Dana M. Sabraw

1 I, Frederick Berretta, declare and state as follows:

2 1. I am a partner in the law firm of Knobbe, Martens, Olson & Bear, LLP, counsel
3 of record for Plaintiffs The Laryngeal Mask Company Ltd. ("LMC") and LMA North America,
4 Inc. ("LMA NA") in this action. I submit this Declaration in Support of Plaintiffs' Motion to
5 Disqualify Finnegan Henderson Farabow Garrett & Dunner, LLP ("Finnegan") from
6 representing Defendants in this action. The following statements are based on my personal
7 knowledge unless otherwise indicated.

8 2. Attached hereto as Exhibit E is a true and correct copy of a letter from counsel
9 for LMA (Fred Berretta) to counsel for Ambu (Robert Burns) and General Counsel for Finnegan
10 (Phil Sunshine) dated November 12, 2007 regarding LMA objection to Finnegan's
11 representation of Ambu in this lawsuit.


12 3. Attached hereto as Exhibit F is a true and correct copy of a letter from outside
13 counsel for Finnegan (Sean SeLegue) to counsel for LMA (Fred Berretta) dated November 14,
14 2007 setting forth Finnegan's position on LMA's objection to Finnegan's representation of
15 Ambu in this lawsuit.

16 4. Attached hereto as Exhibit G is a true and correct copy of a letter from counsel
17 for LMA (Fred Berretta) to outside counsel for Finnegan (Sean SeLegue) dated November 21,
18 2007 responding to the position of Finnegan's outside counsel regarding the disqualification of
19 Finnegan.

20 5. Attached hereto as Exhibit H is a true and correct copy of an internal Finnegan
21 "memorandum" dated January 5, 2007 that was emailed to counsel for LMA (Fred Berretta) on
22 November 29, 2007.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed on December 5th, 2007 in San Diego, California.

26
27
28 
Frederick Berretta

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2007, I caused the foregoing **DECLARATION OF FREDERICK BERRETTA IN SUPPORT OF PLAINTIFFS' MOTION TO DISQUALIFY FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the applicable registered filing users.

VIA ECF:

John L'Estrange, Jr.
j.lestrange@wllawsd.com
WRIGHT & L'ESTRANGE

VIA E-MAIL:

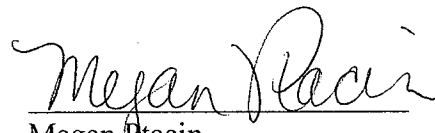
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VIA E-MAIL:

Sean M. SeLegue
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HOWARD, RICE, NEOROVSKI, CANADY,
FALK & RABIN

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Dated: December 6, 2007


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